



The Honorable
LOURDES A. LEON GUERRERO
Maga' Håga • Governor

The Honorable
JOSHUA F. TENORIO
Sigundo Maga' Låhi • Lieutenant Governor


public works
DIPATTAMENTON CHE'CHO' PUPBLEKO
VINCENT P. ARRIOLA
Director
LINDA J. IBANEZ
Deputy Director

TRANSMITTAL
21-007 / **TN21-1010**

TO: BUREAU OF STATISTICS AND PLANS
ATTN: MR. EDWIN REYES
FROM: DEPARTMENT OF PUBLIC WORKS
RE: COASTAL ZONE MANAGEMENT ACT CONSISTENCY CERTIFICATION

DATE: 10/15/2021

ONE (1) ATTACHMENT(s):

1. MODIFICATIONS TO NPDES PERMIT FOR MS4 OPERATED BY DPW ON GUAM

Should you have any questions, please contact Chris Cilione, Department of Public Works Special Projects Coordinator, at (671) 649-3121.


MARCIE BAMBA

RECEIVED BY:

Print: 

Sign: 

Date: 10.15.21

RECEIVED
OCT 15 2021
BUREAU OF
STATISTICS AND PLANS



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VINCENT P. ARRIOLA
Director
LINDA J. IBANEZ
Acting Deputy Director

14 OCT 2021

21-1010

Bureau of Statistics and Plans

Mr. Edwin Reyes
Guam Coastal Management Program Administrator
P.O. Box 2950
Hagatna, Guam 96932

Subject: Coastal Zone Management Act Consistency Certification. Modifications to NPDES Permit for MS4 Operated by Department of Public Works on Guam

Dear Mr. Reyes,

Under Section 307 of the Coastal Zone Management Act (CZMA), activities that are conducted under federal licenses or permits are subject to review by the Government of Guam to ensure consistency with the CZMA.

Region 9 of the United States Environmental Protection Agency (USEPA) is proposing modifications to the Department of Public Works' (DPW) National Pollutant Discharge Elimination System (NPDES) permit for discharges from the municipal separate storm sewer system (MS4) operated by the DPW and serving most of Guam (NPDES permit No. GUS040001). The permit was issued to the DPW on December 20, 2018 and became effective on February 1, 2019.

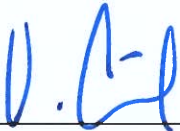
The Bureau of Statistics and Plans (BSP) completed its review of the DPW's Federal Consistency Certification letter and application for the above mentioned permit in December of 2018 (GCMP FC No. 2018-0017). The application was found to be consistent with the approved development and resource policies of the Guam Coastal Management Program.

USEPA has prepared a draft permit modification which will extend deadlines set within DPW's MS4 permit by eighteen (18) months. Additionally, USEPA is proposing to add a requirement for an interim progress report, that will be due six (6) months prior to the revised deadline of DPW's Storm Water Management Program (SWMP). The progress report will be prepared by DPW and presented to USEPA Region IX. Additional information concerning the proposed MS4 permit modification can be found in the enclosed fact sheet.

DPW has determined that the proposed permit amendment/modification complies with GCMP and will be conducted in a manner consistent with such program. A set of findings documenting that the proposed amendments are consistent with the GCMP is attached. DPW requests concurrence by the Guam Bureau of Statistics and Plans that the proposed permit modifications are in full compliance with the GCMP.

This request is submitted by the Guam DPW on its own behalf. If you have any questions or concerns, please contact Christopher Cilione by telephone at (671) 649-3121 or by email at christopher.cilione@dpw.guam.gov.

Sincerely



Vincent P. Arriola
Director
Guam Department of Public Works

Encl: [1] Assessment Forms
[2] Project Description
[3] Summary of findings
[4] Fact Sheet
[5] Draft Modified NPDES Permit
[6] 2018 Federal Consistency Review letter of DPWs MS4 permit



CCilione/AJosa/CMmanuel/TKeefer

FEDERAL CONSISTENCY

SUPPLEMENTAL INFORMATION FORM

Date: September 6, 2021

Project/Activity Title or

Description NPDES Permit Modification - Municipal Separate Stormwater Sewer System Operated by DPW (Permit No. GUS040001)

Location: Not applicable

Other applicable area(s) affected, if appropriate:

Est. Start Date: Ongoing Est. Duration: Ongoing

APPLICANT

Name & Title Guam Department of Public Works

Agency/Organization Department of Public Works

Address 542 N. Marine Corpse Drive

Tamuning Guam Zip Code 96931

Telephone No. during business hours:

A/C (671) 649-3121

A/C ()

Fax (671) 649-6178

E-mail Address: christopher.cilione@dpw.guam.gov OR arnold.jose@dpw.guam.gov

AGENT

Name & Title Christopher Cilione, Special Projects Coordinator OR Arnold Jose, Land Agent II

Agency/Organization Address 542 N. Marine Corpse Drive, Tamuning Zip Code 96931

Telephone No. during business hours:

A/C (671) 649-3121

A/C (671) 929-3580

Fax ()

E-mail Address: christopher.cilione@dpw.guam.gov OR arnold.jose@dpw.guam.gov

() I - Federal Agency Activity
(x) II - Federal Permit or License
() III - Federal Grants and Assistance

- (x) Consistency
- () General Consistency (Category I only)
- () Negative Determination (Category I only)
- () Non-Consistency (Category I only)

Agency USEPA Region IX

Contact Person Eugene Bromley

Telephone No. during business hours:

Area Code (415) 972-3510

Area Code ()

Title of Law	EPA Administered Permit Programs
Section	40 CFR 122

Agency	Type of Approval	Application Date	Status
Guam EPA	401 Certification	Pending	In Progress

Project Description

Region 9 of the U.S. Environmental Protection Agency (EPA) is proposing modifications to the Department of Public Works' (DPW) National Pollutant Discharge Elimination System (NPDES) permit for discharges from the municipal separate storm sewer system (MS4) operated by the Guam DPW and serving most of Guam (NPDES permit No. GUS040001, ENCLOSED). The original permit was issued to the DPW on December 20, 2018 and became effective on February 1, 2019.

The Bureau of Statistics and Plans (BSP) completed its review of the Department of Public Works (DPW) Federal Consistency Certification letter and application for the abovementioned permit in December of 2018 (GCMP FC No.2018-0017). At the time, the application was found to be consistent with the approved development and resource policies of the Guam Coastal Management Program (GCMP).

EPA has prepared a draft permit modification which will extend deadlines set within the permit by eighteen (18) months. Additionally, EPA is proposing to add a requirement for an interim progress report, that will be due six (6) months prior to the revised deadline of DPW's Storm Water Management Program (SWMP). The progress report will be prepared by DPW and presented to USEPA Region IX.

Additional information concerning the proposed MS4 permit modification can be found in the fact sheet (ENCLOSED). Please note that this application only covers the portions of the permit that are being modified. A copy of the 2018 Federal Consistency letter, which covers the original MS4 permit, is enclosed for reference.

Summary of Findings

This activity is subject to review by the Guam Bureau of Statistics and Plans for consistency with the Guam Coastal Management Program. The applicant has reviewed Guam Coastal Management policies; discussion for each policy may be found below:

DEVELOPMENT POLICIES (DP):

DP I. Shore Area Development

Intent: To ensure environmental and aesthetic compatibility of shore area land uses.

Policy: Only those uses shall be located within the Seashore Reserve which:

- enhance, are compatible with or do not generally detract from the surrounding coastal area's aesthetic and environmental quality and beach accessibility;
- can demonstrate dependence on such a location and the lack of feasible alternative sites.

Discussion: The proposed permit modifications will have no impact on shore area development.

DP2. Urban Development

Intent: To cluster high impact uses such that coherent community design, function, infrastructure support and environmental compatibility are assured.

Policy: Commercial, multi-family, industrial and resort-hotel zone uses and uses requiring high levels of support facilities shall be concentrated within urban districts as outlined on the Land Use Districting Map.

Discussion: The proposed permit modifications will have no impact on urban development

DP3. Rural Development

Intent: To provide a development pattern compatible with environmental and infrastructure support suitability and which can permit traditional lifestyle patterns to continue to the extent practicable.

Policy: Rural districts shall be designated in which only low density residential and agricultural uses will be acceptable. Minimum lot size for these uses should be one-half acre until adequate infrastructure including functional sewerage is provided.

Discussion: The proposed permit modifications will have no impact on rural development

DP4. Major Facility Siting

Intent: To include the national interest in analyzing the siting proposals for major utilities, fuel, and transport facilities.

Policy: In evaluating the consistency of proposed major facilities with the goals, policies, and standards of the Comprehensive Development and Coastal Management Plans, the Territory shall recognize the national interest in the siting of such facilities including those associated with electric power production and transmission, petroleum refining and transmission, port and air installations, solid waste disposal, sewage treatment and major reservoir sites.

Discussion: The siting of such facilities is not affected by this permit modification.

DP5. Hazardous Areas

Intent: Development in hazardous areas will be governed by the degree of hazard and the land use regulations.

Policy: Identified hazardous lands, including flood plains, erosion-prone areas, air installations, crash and sound zones and major fault lines shall be developed only to the extent that such development does not

pose unreasonable risks to the health, safety or welfare of the people of Guam, and complies with the land use regulations.

Discussion: The proposed permit modifications will have no impact on any development in hazardous areas.

DP6. Housing

Intent: To promote efficient community design placed where the resources can support it.

Policy: The government shall encourage efficient design of residential areas, restrict such development in areas highly susceptible to natural and manmade hazards, and recognize the limitations of the island's resources to support historical patterns of residential development.

Discussion: The proposed permit modifications will have no impact on residential development.

DP7. Transportation

Intent: To provide transportation system while protecting potentially impacted resources.

Policy: The Territory shall develop an efficient and safe transportation system. while limiting adverse environmental impacts on primary aquifers, beaches, estuaries and other coastal resources.

Discussion: The proposed modifications of the permit do not change that the NPDES permit requires that post-construction stormwater controls be consistent with 2010 Guam Transportation Stormwater Drainage Manual, which is consistent with this policy.

DP8. Erosion and Siltation

Intent: To control development where erosion and siltation damage is likely to occur.

Policy: Development shall be limited in areas of 15% or greater slope by requiring strict compliance with erosion, sedimentation, and land use districting guidelines, as well as other related land use standards for such areas.

Discussion: The proposed permit modifications has no impact on this development policy.

RESOURCES POLICIES (RP):

RP1. Air Quality

Intent: To control activities to ensure good air quality.

Policy: All activities and uses shall comply with all local air pollution regulations and all appropriate Federal air quality standards in order to ensure the maintenance of Guam's relatively high air quality.

Discussion: Not applicable to the proposed permit modification.

RP2. Water Quality

Intent: To control activities that may degrade Guam's drinking, recreational, and ecologically sensitive waters.

Policy: Safe drinking water shall be assured and aquatic recreation sites shall be protected through the regulation of uses and discharges that pose a pollution threat to Guam's waters, particularly in estuaries, reef, and aquifer areas.

Discussion: Guam's MS4 permit will regulate pollutants in stormwater discharges into inland and coastal waters from the MS4s operated by the DPW. The permit requires that pollutants in the discharges be controlled as necessary to comply with Guam Water Quality Standards and other applicable requirements of the Clean Water Act. The MS4 permit is fully consistent with the intent of this policy, and that will not be changed by the proposed permit modifications.

RP3. Fragile Areas

Intent: To protect significant cultural areas, and natural marine and terrestrial wildlife and plant habitats.

Policy: Development in the following types of fragile areas shall be regulated to protect their unique character:

- historical and archeological sites
- wildlife habitats pristine
- marine and terrestrial communities
- limestone forests
- mangrove stands and other wetlands

Discussion: Not applicable to the proposed permit modification.

RP4. Living Marine Resources

Intent: To protect marine resources in Guam's waters.

Policy: All living resources within the territorial waters of Guam, particularly corals and fish, shall be protected from over harvesting and, in the case of marine mammals, from any taking whatsoever.

Discussion: Not applicable to the proposed permit modification

RP5. Visual Quality

Intent: To protect the quality of Guam's natural scenic beauty.

Policy: Preservation and enhancement of, and respect for the island's scenic resources shall be encouraged through increased enforcement of and compliance with sign, litter, zoning, subdivision, building and related land-use laws. Visually objectionable uses shall be located to the maximum extent practicable so as not to degrade significant views from scenic overlooks, highways and trails.

Discussion: Not applicable to the proposed permit modification

RP6. Recreation Areas

Intent: To encourage environmentally compatible recreational development.

Policy: The Government of Guam shall encourage development of varied types of recreational facilities located and maintained so as to be compatible with the surrounding environment and land uses, adequately serve community centers and urban areas and protect beaches and such passive recreational areas as wildlife and marine conservation areas, scenic overlooks, parks and historical sites.

Discussion: Not applicable to the proposed permit modification

RP7. Public Access

Intent: To ensure the right of public access.

Policy: The public's right of unrestricted access shall be ensured to all non-federally owned beach areas and all Territorial recreation areas, parks, scenic overlooks, designated conservation areas and their public lands: and agreements shall be encouraged with the owners of private and federal property for the provision of releasable access to and use of resources of public nature located on such land.

Discussion: Not applicable to the proposed permit modification.

RP8. Agricultural Lands

Intent: To stop urban types of development on agricultural land.

Policy: Critical agricultural land shall be preserved and maintained for agricultural use.

Discussion: Not applicable to the proposed permit modification.